



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:
DE-9J

July 5, 2001

Mr. George Mileskiy
Director of Environment
Johnson Controls, Inc.
49200 Halyard Drive
Plymouth, MI 48170

Mr. Michael Stoelton
Environmental Engineer
Johnson Controls, Inc.
49200 Halyard Drive
Plymouth, MI 48170

**Re: Johnson Controls, Inc. Fowlerville, MI Facility
US EPA & JCI/URS RCRA Corrective Action Meeting, May 31, 2001**

Dear Messrs. Mileskiy and Stoelton:

This letter summarizes our meeting on May 31, 2001. It is important to agree on the appropriate strategy for the continued progress of corrective action activity so that we can achieve our RCRA Corrective Action goals at the facility more effectively and expeditiously. Based on the information shared at the May 31, 2001 meeting, I have identified three critical elements for a successful Corrective Action strategy:

- 1) Completion of a Final RFI Report that analyzes and summarizes the three phases of completed RFI investigative work,
- 2) The proposed nature of the Interim Remedial Measures to be implemented at the Fowlerville site, and
- 3) Development and entry of a new Consent Order that addresses the Corrective Measures Study (CMS) and Corrective Measures Implementation (CMI) phases of the Corrective Action process.

With respect to the first element, the September 2, 1988 Administrative Consent Order, Section V, E-3, provides that a Final RFI Report shall be submitted upon completion of the RFI process. This final RFI report must summarize and analyze the three phases of RFI work and the results as well as provide an interpretation of the data. The data should be of sufficient quality and quantity to describe the nature and extent of contamination in both a horizontal and vertical dimension. The RFI shall also address the potential threat to human health and/or the environment, and support the Corrective Measures Study. The final RFI Report should be consistent with the criteria outlined in the RCRA Corrective Action Plan EPA 520-R-94-004, Chapters 3 and 4.

Regarding the proposed implementation of the IRM, we believe that the strategy outlined in the IRM Work plan and discussed during the May 31, 2001 meeting is probably not the most effective strategy for eliminating the source of PCB contaminated free-product kerosene that was observed during groundwater monitoring activities of the Phase III RFI. However, since Johnson Controls, Inc. and its consultant believe that this strategy will prove effective in further delineating this problem, we conditionally accept this IRM as outlined, but will monitor the results, and may require additional activities.

Additionally, JCI/URS should also be aware of the TSCA requirements to remediate PCBs. There are three options under the Federal PCB regulations at 40 C.F.R Part 761 to remediate PCBs: 1) self-implementing cleanup and disposal at §761.61(a); performance based disposal at §761.61(b); or risk-based disposal at §761.61(c). The self implementing cleanup and disposal option may not be used to clean up ground waters (see §761.61(a)(1)). Since the groundwater at the site already appear to be impacted by PCBs, JCI/URS may not use the self-implementing procedures at §761.61(a) for the cleanup and disposal of PCBs. Instead, JCI/URS will have to cleanup and dispose of PCBs at the site using the performance-based disposal option at §761.61(b) or the risk-based disposal option at §761.61(c).

Under the performance-based disposal option, JCI/URS must remediate PCBs at the site to a concentration of 1 ppm and dispose of all the PCB remediation waste with concentrations over 1 ppm in an USEPA approved facility. Under the risk-based disposal option, JCI/URS may propose a cleanup level greater than 1 ppm and/or may propose to dispose of PCB remediation waste based on the as-found concentration. However, the risk-based disposal option requires USEPA approval. For the final remedy for PCBs under either the performance-based or risk-based disposal, JCI/URS must submit information on the approach it will take to remediate the PCBs.

We do not consider the IRM to be a final remedy for either a performance-based or risk-based disposal. For a performance-based disposal, since the site is being addressed under a RCRA Corrective Action, JCI/URS must submit information demonstrating that it will clean the site to 1 ppm PCBs and dispose of all PCB remediation waste over 1 ppm in USEPA approved facilities. For a risk-based disposal approval, the JCI/URS must submit the information described at §761.61© and any other information necessary to demonstrate that the proposal does not present

an unreasonable risk of injury to health or the environment. If possible, we will include our final decision on the final remedy for PCBs in the CMS/CMR Order, or if necessary to satisfy any TSCA approval requirements, in a separate letter.

The third element can be implemented once the EPA has received and reviewed the final RFI Report. We anticipate including language for interim measures implementation in the new consent agreement.

Thank you again for coming to our Region 5 Office to discuss the RCRA Corrective Action process at the Fowlerville Facility. At this point, we anticipate that the three elements I have described can be addressed quickly so that we can maintain valuable momentum in completing the corrective action process. In accordance with your proposed schedule for the IRM, on-site mobilization will begin two weeks after award approval of the IRM work plan. Since we have discussed the IRM work plan, this letter will serve as written notice of the IRM approval. Therefore, we expect that the IRM, including the IRM report, will be completed and the report sent to our office by September 13, 2001. The Final RFI Report Document shall be completed and submitted by August 3, 2001. Meanwhile, EPA will begin development of a new Consent Order and, upon completion and submittal of the Final RFI Report Document, we expect to finalize the CMS/CMR Order within a short time period. Thank you for your cooperation.

Should you have any questions, please call me at 312-886-6010.

Sincerely,



Juan Thomas
Project Manager

cc. Michael Wagner, URS
Dennis Connair, URS
Glenn Armstrong, URS
Dennis Reis, Quarles and Brady
Tom Williams, EPA ORC
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